

**SETTLEMENT AGREEMENT BETWEEN THE STATE COMMITTEE FOR
SOCIAL WORKERS AND STEPHANIE MOSKOWITZ**

Stephanie Moskowitz (a/k/a Stephanie Spilton a/k/a Stephanie D. Moskowitz) ("Moskowitz") and the State Committee for Social Workers ("the Committee") enter into this Settlement Agreement for the purpose of resolving the question of whether Moskowitz' license as a Missouri licensed clinical social worker will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo (Cum. Supp. 2011), and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Moskowitz acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against her; the right to a decision upon the record by a fair and

¹ Statutory citations herein are to the Revised Statutes of Missouri 2000 unless otherwise noted.

impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Committee at which time she may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending an action against her license. Being aware of these rights provided her by operation of law, Moskowitz knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement. Moskowitz further agrees to abide by the terms of this Agreement, as they pertain to her.

Moskowitz acknowledges that she has received a copy of the investigative report, and other documents relied upon by the Committee in determining there was cause for discipline, along with citations to law and/or regulations the Committee believes were violated. For the purpose of settling their dispute, Moskowitz stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Committee that her Missouri license as a licensed clinical social worker, license number 002162, is subject to disciplinary action by the Committee in accordance with provisions of Chapter 621, RSMo (Cum. Supp. 2011) and Chapter 337, RSMo.

The parties stipulate and agree that the disciplinary order agreed to by the Committee and Moskowitz in the Joint Agreed Disciplinary Order herein

is based only on the agreement set out in the Joint Stipulation of Facts and Joint Conclusions of Law herein. Moskowitz understands that the Committee may take further disciplinary action against her based on facts or conduct not specifically mentioned in this document that are either now known to the Committee or may be discovered.

Joint Stipulations of Fact

1. The State Committee for Social Workers (“the Committee”) is an agency of the state of Missouri created and established pursuant to § 337.622, RSMo, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo pertaining to the practice of social work.
2. Respondent (“Moskowitz”) is licensed by the Committee as a Missouri licensed clinical social worker, license number 002162 (“License”).
3. Moskowitz’ License was issued on December 17, 1991 and became inactive on or about September 30, 2008.
4. Moskowitz’ License was current and active at all relevant times herein.
5. As a licensed clinical social worker, Moskowitz established relationships of professional trust and confidence with her clients and the Missouri Medicaid Program to whom she submitted bills for reimbursement.

6. Moskowitz was aware of the relationships of professional trust and confidence between herself, her clients, and the Missouri Medicaid Program.

7. Between January 1, 2004 and December 31, 2004, in her capacity as a health care provider, Moskowitz knowingly made three hundred twenty five (325) false representations of material fact for the purpose of receiving health care payments from a health care payer, in that Moskowitz falsely reported to the Missouri Medicaid Program that she provided psychotherapy services to eligible Medicaid recipients, which were false representations of material fact and known by Moskowitz to be false when made.

8. On or about July 16, 2009 Moskowitz was found to have committed three hundred twenty five (325) separate instances of causing false statements to be made to receive health care payments, in violation of § 191.905.1, RSMo (Cum. Supp. 2009). *State of Missouri, et al. v. Stephanie Spilton, LCSW, et al.*, Circuit Court of St. Louis County, Cause Number 07SL-CC01122.

9. On or about July 16, 2009 the Circuit Court of St. Louis County entered a Judgment ordering Moskowitz to pay \$1,751,540.00 in penalties and damages.

10. Moskowitz appealed the July 16, 2009 Judgment of the Circuit Court of St. Louis County to the Missouri Supreme Court.

11. On or about June 29, 2010 the Missouri Supreme Court affirmed the July 16, 2009 Judgment of the Circuit Court of St. Louis County. *State of Missouri, et al. v. Stephanie Spilton, LCSW*, Missouri Supreme Court, Cause Number SC 90586.

Joint Conclusions of Law

12. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo (Cum. Supp. 2011) and § 337.630.2, RSMo.

13. The offense of making false statements to receive a health care payment, a class D felony, is defined in § 191.905.1, RSMo (Cum. Supp. 2009), which provides in pertinent part, “[n]o health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment. . . .”

14. Administrative Regulation 20 C.S.R. 2263-3.010(1), of the Ethical Standards/Disciplinary Rules for Missouri licensed social workers, regarding Scope of Coverage and Organization, provides, “[t]he ethical standards/disciplinary rules for members of the profession, as set forth hereafter by the committee, are mandatory. The failure of a member of the profession to abide

by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.”

15. Administrative Regulation 20 C.S.R. 2263-3.020(2), of the Ethical Standards/Disciplinary Rules for Missouri licensed social workers, regarding Moral Standards, provides that, “[n]o member of the profession shall— (A) [v]iolate any ethical standard/disciplinary rule; . . . (C) [e]ngage in conduct which is dishonest, deceitful, or fraudulent; (D) [a]llow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills. . . .”

16. Administrative Regulation 20 C.S.R. 2263-3.080(1)(B), of the Ethical Standards/Disciplinary Rules for Missouri licensed social workers, regarding Public Statements/Fees, provides in pertinent part, “[a] member of the profession shall not . . . [e]ngage in fraud or misrepresentation. . . .”

17. Section 337.630.2, RSMo (Cum. Supp. 2011), sets forth the grounds for discipline of a clinical social worker license and states, in pertinent part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person’s license for any one or any combination of the following causes:

...

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed under this chapter; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

...

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

...

(13) Violation of any professional trust or confidence;

...

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

18. Moskowitz' conduct as described above constitutes unethical conduct, as prohibited by Administrative Regulation 20 C.S.R. 2263-3.010(1) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers, adopted by the Committee and filed with the Secretary of State.

19. Moskowitz' conduct as described above constitutes the violation of ethical standards/disciplinary rules, as prohibited by Administrative Regulation 20 C.S.R. 2263-3.020(2)(A) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers, adopted by the Committee and filed with the Secretary of State.

20. Moskowitz' conduct as described above constitutes dishonest, deceitful, and/or fraudulent conduct, as prohibited by Administrative Regulation 20 C.S.R. 2263-3.020(2)(C) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers, adopted by the Committee and filed with the Secretary of State.

21. Moskowitz' conduct as described above constitutes allowing the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills, as prohibited by Administrative Regulation 20 C.S.R. 2263-3.020(2)(D) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers, adopted by the Committee and filed with the Secretary of State.

22. Moskowitz' conduct as described above constitutes fraud and/or misrepresentation, as prohibited by Administrative Regulation 20 C.S.R. 2263-3.080(1)(B) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers, adopted by the Committee and filed with the Secretary of State.

23. As a result of Moskowitz' unethical conduct, cause exists to discipline Moskowitz' License for violations of Administrative Regulation 20 C.S.R. 2263-3.010(1) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers.

24. As a result of Moskowitz' violations of ethical standards/disciplinary rules, cause exists to discipline Moskowitz' License for violating Administrative Regulation 20 C.S.R. 2263-3.020(2)(A) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers.

25. As a result of Moskowitz' dishonest, deceitful, and/or fraudulent conduct, cause exists to discipline Moskowitz' License for violating Administrative Regulation 20 C.S.R. 2263-3.020(2)(C) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers.

26. As a result of Moskowitz' allowing the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills, cause exists to discipline Moskowitz' License for violating Administrative Regulation 20 C.S.R. 2263-3.020(2)(D) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers.

27. As a result of Moskowitz' fraud and/or misrepresentation, cause exists to discipline Moskowitz' License for violating Administrative Regulation 20 C.S.R. 2263-3.080(1)(B) of the Ethical Standards/Disciplinary Rules for Missouri licensed clinical social workers.

28. Moskowitz' conduct as described above constitutes adjudication and being found guilty, or entering a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed pursuant to Chapter 337, RSMo; for any offense an essential element of which is fraud, dishonesty or an act of

violence; or for any offense involving moral turpitude, whether or not sentence is imposed, in violation of § 337.630.2(2), RSMo (Cum. Supp. 2011).

29. Moskowitz' conduct as described above constitutes obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation, in violation of § 337.630.2(4), RSMo (Cum. Supp. 2011).

30. Moskowitz' conduct as described above constitutes incompetency, misconduct, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to Chapter 337, RSMo, in violation of § 337.630.2(5), RSMo (Cum. Supp. 2011).

31. Moskowitz' conduct as described above constitutes the violation of provisions of §§ 337.600 to .689, RSMo and/or the violation of any lawful rules or regulations adopted pursuant to §§ 337.600 to .689, RSMo, in violation of § 337.630.2(6), RSMo (Cum. Supp. 2011).

32. Moskowitz' conduct as described above constitutes the violation of any professional trust or confidence, in violation of § 337.630.2(13), RSMo (Cum. Supp. 2011).

33. Moskowitz' conduct as described above constitutes unethical conduct as defined in the ethical standards for clinical social workers, adopted

by the committee by rule and filed with the Secretary of State, in violation of § 337.630.2(15), RSMo (Cum. Supp. 2011).

34. As a result of Moskowitz' adjudication and being found guilty, or entering a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed pursuant to Chapter 337, RSMo; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed, cause exists to discipline Moskowitz' License pursuant to § 337.630.2(2), RSMo (Cum. Supp. 2011).

35. As a result of Moskowitz' obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation, cause exists to discipline Moskowitz' License pursuant to § 337.630.2(4), RSMo (Cum. Supp. 2011).

36. As a result of Moskowitz' incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to Chapter 337, RSMo, cause exists to discipline Moskowitz' License pursuant to § 337.630.2(5), RSMo (Cum. Supp. 2011).

37. As a result of Moskowitz' violations of provisions of §§ 337.600 to .689, RSMo and/or violations of any lawful rules or regulations adopted pursuant to §§ 337.600 to .689, RSMo, cause exists to discipline Moskowitz' License pursuant to § 337.630.2(6), RSMo (Cum. Supp. 2011).

38. As a result of Moskowitz' violation of any professional trust or confidence, cause exists to discipline Moskowitz' License pursuant to § 337.630.2(13), RSMo (Cum. Supp. 2011).

39. As a result of Moskowitz' unethical conduct as defined in the ethical standards for clinical social workers, adopted by the committee by rule and filed with the Secretary of State, cause exists to discipline Moskowitz' License pursuant to § 337.630.2(15), RSMo (Cum. Supp. 2011).

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the Disciplinary Order entered by the Committee in this matter under the authority of § 337.630.2, RSMo, and § 621.045.4, RSMo (Cum. Supp. 2011):

1. Moskowitz' License as a Missouri licensed clinical social worker, License Number 002162, is hereby VOLUNTARILY SURRENDERED in lieu of formal disciplinary action. Moskowitz understands that this Agreement

will be reported by the Committee to the Association of Social Work Boards as an action in lieu of discipline.

2. Within ten (10) days of the effective date of this Agreement, Moskowitz shall return all indicia of Missouri licensure to the Committee, including but not limited to any wall-hanging licenses and pocket cards.

3. The parties to this Agreement understand that the Committee will maintain this Agreement as an open record of the Committee as provided in Chapters 337, 610, and 620, RSMo.

4. Each party agrees to pay their own fees and expenses incurred as a result of this case, its investigation, its litigation, and its settlement.

5. The terms of this Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Agreement nor any of its provisions may be changed, waived, discharged, or terminated except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

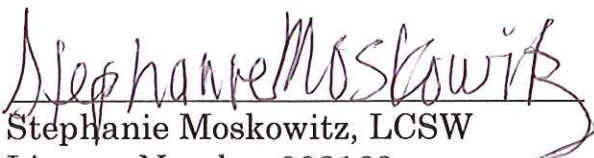
6. Moskowitz hereby waives and releases the Committee, its members, and any of its employees, agents, or attorneys including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and

compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Agreement. The parties acknowledge that this Paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement or any portion thereof void or unenforceable.

7. This Agreement shall become effective fifteen (15) days after the Executive Director of the Committee, Tom Reichard, signs the Agreement.

LICENSEE

COMMITTEE


Stephanie Moskowitz, LCSW
License Number 002162


Tom Reichard
Executive Director
State Committee for Social Workers

Date: ⁰⁴~~08~~/20/12
SS

Date: 4-26-12